

Code Enforcement

Housing Inspection and Certification

The City of West Lafayette has an established rental housing inspection program in order to safeguard the interests of property owners and the character of neighborhoods, and to protect the public health, safety, and welfare of individuals living in the city. The program is operated by the Department of Development.

What is considered a rental, when are rental properties inspected, and who is responsible?

Every rental property, which includes renting a room or sharing expenses, must be certified by the city. For a property to be certified, the owner or the manager must apply for a certificate, be inspected for compliance with a housing code, pay fees and be subsequently certified. Rental properties may be inspected annually, every two years, or every four years depending upon location and how the property is used (a house or an apartment building). The property owner is ultimately responsible for compliance with the code; however tenants are responsible for the cleanliness and sanitary conditions of their dwelling and the yard areas if required by their lease. To view the Inspection and Certification of Rental Housing regulations in detail please go to [Chapter 117](#) of the West Lafayette City Code

Summary of the Rental Housing Certificate Requirements

Occupancy Limitations (Chapter 102, West Lafayette City Code: {New Unified Zoning Ordinance of Tippecanoe County Section 1-10-2: Definitions}):

A) For residential areas Zoned R-1, R1a, R-1b, R-1U and R-2: The maximum occupancy is a family which is defined as "one or more persons related by blood (to the degree of first cousin), marriage or adoption plus not more than two unrelated persons living as a single housekeeping unit". In the case of no relation then the maximum number of occupants is three including the owner of the property.

B) In areas zoned to allow multi-family apartments: Shared Housing: A maximum of four persons per dwelling unit with not more than 2 persons per bedroom.

C) In multi-family apartments constructed after January 1, 1989 the occupancy limits are determined by the size of the unit. Questions on specific properties should be directed to the Code Enforcement Department.

Rental Inspection and Certification Requirements (Chapter 117, West Lafayette City Code):

Section 117.02. Definitions (Not all definitions have been included):

Converted housing means any housing used as rental housing that is not purpose-built multi-unit housing.

Guest shall mean a person who is a temporary resident (less than 25% of the time) of a dwelling unit and does not utilize the unit as an address for any purpose.

Purpose-built multi-unit housing is any building that was originally built as a multi-unit (three or more units) housing.

Rental housing is any room, dwelling unit, rooming unit or portion thereof let or intended to be let to a family or person for compensation (which may include money or services and includes the sharing of expenses).

Initial rental conversion means the change of use of a single family dwelling from owner occupied to use as a Category 1 rental unit.

Section 117.03. Requires that all rental housing be certified prior to occupancy.

Section 117.04. Requirements for Rental Certificate:

The applicant has completed and signed a rental application that includes an occupancy affidavit for all properties in all R-1 and R-2 zoned areas (Section 117.05); and in certain instances a maintenance agreement, a site plan and floor plan. The application must be filed with the Department of Development prior to making arrangements for the inspection and requires the following:

- (1) The owner's name, permanent home address, and business and home telephone number.
- (2) If a corporation owns a property then all owners, their addresses, and the corporate identification number must be provided. Additionally, names, addresses and telephone numbers must be provided for any resident agent, individual partner or managing member of any business entity.
- (3) The local agent if designated by the owner and their address and telephone number. Local agents are required for all property owners living outside of Tippecanoe and surrounding counties.
- (4) The number of rental units per structure and all street addresses of all rental units.
- (5) A declaration of whether subletting by any tenant(s) is permitted.
- (6) The category of license sought.
- (7) A Floor Plan and Site Plan showing the location, size and use of all rooms and the location of all sidewalks, drives and parking on site. Not required for purpose-built multi-unit housing. Only required once unless there are changes.

Certificate Issuance: The Rental Certificate will be issued when:

- 1) The application is approved and,
- 2) The property has been inspected and found to be in compliance with all requirements of the West Lafayette City Code and the Unified Zoning Ordinance, and
- 3) All fees have been paid.

Section 117.05. An occupancy affidavit must be filed with the application and upon request. The occupancy affidavit must be co-signed by the occupants and is required in R-1 & R-2 residential zoned areas. May be requested on any property to investigate over occupancy.

Section 117.06 and 117.07. Rental Unit Categories, Applicable Fees and Terms of Certificate:

Category 1: Single family dwelling. Fee: \$250; Term: 2 years for those who readily comply, 1 year for non-compliant owners.

Category 2: Temporary occupancy ("house sitting") of a dwelling unit by a family during the absence of the owner, not to exceed one year out of five. Fee: \$150; Term: One year.

Category 3: Purpose-built multi-unit housing or purpose built duplex. Fee: \$150 per structure and \$2 per unit; Term: 4 years for those who readily comply, 2 years for non-complaint owners.

Category 4: Converted housing (physically converted from a single family to 2 or more units). Fee: \$250 per property tract plus \$2 per unit; Term: 2 years.

Category 5: Low density condominium units. Fee: \$250; Term: 2 years for those who readily comply, 1 year for non-compliant owners.

Category 6: Any occupancy of a condominium by unrelated persons where the condominium unit is under the same management and has the same agent as the entire condominium development. Fee: \$150 per structure and \$2 per unit; Term: 2 years.

Category 7: Any occupancy of a condominium by unrelated persons where the condominium unit is not under the same management or does not have the same agent as the entire condominium development. Fee: \$100 plus \$20 per unit; Term: 2 years.

Additional Fees:

Initial rental conversion fee is \$500. This fee may be reduced under certain conditions. Please consult with the Department of Development staff on these conditions.

All fees are tripled for renting before a certificate is issued.

The fees for any rental category shall be reduced by \$50 if no violations are found and no reinspection is required.

Additional reinspections cost \$150 each. Failure to attend a scheduled and confirmed inspection appointment costs \$100 each.

Section 117.08. Additional requirements:

Certificates are issued to the owner of the specific property.

Certification Stickers are required in all units in the R-1 & R-2 residential zoned housing. The stickers lists the unit's certification, date of expiration and allowable occupancy. Stickers must be posted on the inside of the main door.

Requires that the owner/manager monitor their housing for over occupancy. States that it is a violation for an owner or tenant(s) to permit or allow or to over occupy a property.

Section 117.09. Conditional Certificates may be issued to owners requiring compliance periods during inclement weather not conducive to exterior work.

Section 117.10. Probation, Suspension or Revocation of Rental Certificate.

The rental certificate for any property may be put on probation for a 3 year period, be suspended for 120 days or be permanently revoked under certain circumstances. The Housing Appeals Board shall take all action to place on probation, to suspend or to revoke a certificate from charges filed by the program administrator.

A certificate may be placed on probation if there is a judgement of 3 or more violations of the West Lafayette City Code or Indiana criminal code on the property within a one year period, in which the owner or their agent does nothing to remedy the reoccurrence of the violations. A judgement that the owner failed to provide an accurate occupancy affidavit, failed to provide exterior maintenance as required in section 117.18 or failed to comply with the truth in lending required by section 117.19.

A certificate may be suspended if there are additional violations during a probation period; a judgement that the owner or their agent has violated the maximum occupancy limitations; illegally used non-habitable space; illegally converted space to habitable use without proper authorization; violated provisions requiring a rental certificate; failed to correct any code violation within the time allowed or falsified information on the application. Property is to be vacated for 120 day period.

A certificate may be permanently revoked for occupancy during suspended period. A reoccurrence or violation that would be grounds for suspension within a 3 year period following a suspension.

Section 117.10 (d) and (e) outlines specific procedures of notice to owner, the filing of charges by the program administrator and meeting procedures of the Housing Appeals Board.

Sec. 117.11. Requires that an inspection schedule of the city be established. Copies of the district schedule are available and maps are available for viewing in the Department of Development.

Sec. 117.12. States requirements for certificate renewal notices to property owners.

Sec. 117.13. States requirements for Housing-Property Maintenance Code violation notices.

Sec. 117.14. Requires that code violations be corrected prior to being rented.

Sec. 117.15. Requires an agent if owner does not reside in Tippecanoe, Benton, Warren, Fountain, Montgomery, Clinton, Carroll or White counties. The agent must have an office in Tippecanoe County.

Sec. 117.16. Requires that this office be notified of any change of address of the owner or any agent.

Sec. 117.17. States that the certificate is to a specific owner of a specific property but does allow the transfer to a new owner with exceptions. The transfer costs \$50.

Sec. 117.18. Exterior Maintenance Responsibility.

Spells out responsible party for the removal of snow on the public sidewalk, if any, and all yard maintenance including the removal of trash and rubbish in the yard. If other party is responsible, then owner must provide a copy of the maintenance agreement to the City as part of the application. Tenants are required to acknowledge the maintenance responsibility and sign the agreement.

Sec. 117.19. Truth in Advertising.

All advertising for a specific unit must include the occupancy limitations.

Sec. 117.20. Violation--penalty.

The civil penalties for violation of this chapter are:

For submitting an incorrect affidavit: \$1,000. Repeat offenders: \$2,500.

For submitting any other false or materially incomplete information on an application: \$500. Repeat offenders: \$2,500.

For failure to post the required occupancy sticker: \$500. Repeat offender: \$1,000.

For failure to timely submit a complete occupancy affidavit: \$100 per day.

For committing, permitting or allowing any overoccupancy: \$200 per day. Repeat offender: \$1,000 per day.

For rental of any dwelling unit without first obtaining or continuing to have a valid rental certificate: \$100 per day. Repeat offender: \$500 per day.

The West Lafayette Housing-Property Maintenance Code

The Housing-Property Maintenance Code establishes minimum standards that cover all aspects of the

property. The code includes but is not limited to the following:

Exterior property area maintenance, including the grass height, sidewalks and vehicle parking.

Exterior, interior and accessory structures: This includes walls, windows, doors, ceilings, roofs, siding, porches, chimneys, etc. All components must be structurally sound and maintained which includes being properly covered (paint, siding, etc.) to prevent deterioration.

Plumbing, Electrical and Mechanical Systems: All systems and equipment should be operable, capable of performing the function intended, properly installed and maintained.

Fire Safety: Smoke detectors and in newer properties fire alarm and fire sprinkler systems must be operable, properly installed and maintained. All emergency exits and exiting systems must be maintained in proper working condition.

All dwelling units and rooms must meet minimal space and window requirements to be considered habitable.

All dwelling units and rooms must be kept in a clean and sanitary condition. The occupants of individual units are responsible for the cleanliness of their unit. Cleanliness of common areas such as halls and exterior areas and providing adequate garbage/rubbish facilities is the responsibility of the property owner unless spelled out in the lease.

For additional information on Code Enforcement programs contact the Department of Development at 775-5160.